

Remarks

Currently pending are claims 1-10.

35 U.S.C. § 103(a)

The Examiner has rejected claims 1-6 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Hildebrand et al. (WO 02/051942) or Hildebrand et al. (WO 02/051924) in view of Sieber (WO 02/055786). The Examiner has also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Hildebrand et al. and Sieber and further in view of Sieber (WO 02/057536).

The Examiner states the Hildebrand et al. references disclose a composition containing the disperse dyes of formula (1a) and (2a) while the Sieber (WO 02/055786) reference discloses a composition containing the nickel complex of formula (3b). The Examiner asserts it is therefore “obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.” *Office Communication Mailed 10/23/06* at 3. Applicants respectfully traverse this rejection for the following reason.

While the Hildebrand et al. publications teach a composition containing a disperse dye and Sieber discloses a composition containing a nickel complex pigment, neither publication teaches nor suggests a composition containing the combination of a disperse dye and nickel complex pigment. The Examiner points to page 2, line 20 in Sieber WO 02//055786 for support that Sieber indicates the presence of a disperse dye in its composition. However, Sieber is not teaching a composition containing the combination of nickel complex pigment and disperse dye, but rather is making a general statement that “[d]isperse dyes are colorants with low water solubility that, in their

disperse colloidal form, are suitable for dyeing and printing hydrophobic fibers or fabrics.” *WO 02/055786* at page 2, lines 20-21.

To demonstrate that a composition containing a nickel complex pigment and disperse dye of formula (1) or (2) does more than yield a predictable result, Applicants direct the Examiner’s attention to the Declaration of Sperissen (“Declaration”) which was filed with the prior response dated April 20, 2007. In particular, the Declaration provides comparative data showing specimens dyed with either (i) a mixture containing a nickel pigment and a disperse dye according to the present invention or (ii) a single nickel pigment or disperse dye according to the publications cited above. The results demonstrate the thermostability and colour fastness of a dyeing obtained from the mixture according to the present invention is enhanced when compared to a dyeing obtained from the single dyestuffs. The dye expert found this to be very surprising and completely unexpected.

The Examiner states the applied proportions of the individual dye liquors are not commensurate with the dye mixture in Table 1 of the Declaration. However, as stated in the Declaration, the amounts of dyes in the dye liquors were fixed in such a way that each of the dyed specimens had the same color strength (namely, 100% by definition) prior to exposure to xenon light. Accordingly, the proportions used allowed for a proper comparison, and the results demonstrate the synergistic effect of the claimed combination of a nickel complex pigment and disperse dye over the single dyestuffs.

In view of the remarks above, Applicants respectfully request the rejections under 103(a) be withdrawn and the issuance of a Notice of Allowance toward the pending claims.

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

Respectfully Submitted,

Robert Holthus

Robert Holthus
Reg. No. 50,347
Attorney for Applicants

Date: 10/24/07

Huntsman Corporation
10003 Woodloch Forest Drive
The Woodlands, Texas 77381
(281) 719-4553